



# COURT-MARTIAL TURNED AROUND



**Pvt. M. Smith  
Charges  
Military Harassment**

by Bill Smith

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## Union Demands

WE DEMAND THE RIGHT TO REFUSE TO OBEY ILLEGAL ORDERS — LIKE ORDERS TO FIGHT IN ILLEGAL, IMPERIALIST WARS. We believe that no officer has the right to order us to fight and die in battles against our brothers, be they in Berkeley, Chicago, Detroit, Santo Domingo, Vietnam or Cambodia. The GIs have a right to decide where they want to die and what they want to die for. We believe that orders must serve the needs of the people.

WE DEMAND ELECTION OF OFFICERS BY VOTE OF THE MEN. Workers elect union leaders, from steward to president, but we GIs have utterly no opportunity to pass on the merits of the military leaders who have power of life and death over us. The soldiers in the National Liberation Front of South Vietnam elect their own officers. What's wrong with American GIs electing theirs? U.S. officers should not only be elected by the vote of the men in their command, but subject to recall at any time by majority vote.

WE DEMAND AN END TO SALUTING AND SIRRING OF OFFICERS. We believe compulsory saluting and sirring of officers is degrading to GIs. This show of obedience is required to create an atmosphere of subservience to the dictatorial orders of the officers. Few civilians realize that men are constantly being court-martialed and often given prison sentences for leaving out the "Sir" in addressing the Brass.

WE DEMAND THE RIGHT OF BLACK AND BROWN SKINNED SERVICEMEN TO DETERMINE THEIR OWN LIVES FREE FROM THE OPPRESSION OF ANY RACIST WHITES. NO TROOPS TO BE SENT INTO BLACK OR SPANISH-SPEAKING COMMUNITIES. We know that racism seeks to divide the oppressed enlisted men against one another in order to prevent unity in the fight against the Brass. We know that black and Spanish-speaking brothers are placed in the most dangerous assignments and suffer the highest casualty rates. We demand an end to the filling of stockades with black and brown GIs who have refused to submit to the racist attacks and insults imposed on them by the Brass. We believe that anything less than a head-on attack against white racism would cause the solidarity of white and black and brown GIs

## About the Author

I first met Bill Smith in a motel room in Killeen, Texas. He, Andy Stapp and John Cat, from the national office of the American Servicemen's Union, were in Texas for the pre-trial hearings of the Fort Hood 43. It was September 7, 1968. I remember the date because I had just been discharged from Fort Sill, Oklahoma, the day before.

When I arrived, the guys were resting from the day's hectic activities. Bill sat cross-legged on one of the beds, seriously nursing a beer, not saying much. But as our talk of the Killeen police, the KKK and the pro-Wallace populace took a humorous turn, Bill smiled, then raised his eyes to the ceiling in mock-terror and crowed: "Get me out of HERE!"

Two nights later, Bill, Andy and I were arrested by the local gestapo (on orders from the military authorities at Fort Hood, who wanted us out of commission). We were taken to jail in three separate squad cars and charged with vagrancy. When we were finally released and our personal

property was being returned to us, Bill said with dry humor to the cop: "It's a good thing you took our toilet-paper. We might have hung ourselves."

Bill reported this experience in one of his finest articles for the BOND: "Alice Went to Wonderland, But I Went to Killeen, Texas." (See BOND, Vol 2, No. 12.)

Bill writes: "Here is an interesting sidelight. According to a well-informed source, the town sheriff meets every morning with the bank president before the bank opens. That may not arouse much curiosity, until one learns that the bank president is the chief go-between man for the military authorities at Hood and the civilian ruling class in Killeen. Eight months before our arrest, the rulers at both Hood and Killeen received word that the Pentagon was up-tight about anti-war activity by GIs both on and off base. They were told to clean it up.

"... during our vagrancy trial.

" 'You're the Vietnam editor of the BOND,' the prosecutor noted while I was on the stand. 'Were you ever in Vietnam?' "

" 'Yes, I was,' I replied.

" 'Oh. Did your newspaper send you there?' he asked, assuming that the BOND had sent me to North Vietnam as a correspondent.

" 'No,' I smilingly replied. 'The Army did.' "

Bill's speciality — his creative pen has related many stories of his Vietnam experiences the hours of sweat securing the brasses living quarters behind sandbags and going back to the EMs barracks and finding them washed away by the rains. Bill's writings are tools for organizing GIs against the oppressing Brass.

When Bill writes: "We don't want to be shit upon any more and possibly killed in a war we know is unjust or sent back into a community that may very likely be attacked by National Guardsmen or green troops who never knew what it was like to be in Nam and kill blindly at some pig's whim. We're tired and pissed off and we're fighting back." It comes from the gut with understanding and force.

When Mitch Smith was charged with refusing to salute an officer, Bill went to Fort Jackson for the court-martial. The result of that trip is this fine pamphlet about Mitch's courageous anti-war, anti-brass struggles.

Dick Wheaton - Sp/4 retired

## Mitch Smith

**W**hen Mitch Smith was drafted in the summer of 1969, he was no stranger to either the Buffalo Police concerned with student dissent or the Buffalo Draft Board. Mitch, who was studying at the State University of New York at Buffalo and a member of Youth Against War & Fascism, spent most of his time on the streets organizing student activities against the war and racism.

Mitch's first induction was cancelled because he faced charges for criminal mischief and unlawful assembly when he "disrupted" the pro-war film the "Green Berets."

# Charges Brass Harass Union Organizer

**B**ack in November, 1969, Private Mitchell Smith was completing his AIT at Fort Jackson, South Carolina. He knew that his coming leave would begin and end in time for him to participate in the November 15th March on Washington, where he would also officially represent the American Servicemen's Union, ASU, at the GI anti-war conference inspired by that march.

The military was well aware of Mitch's intention, however. That's why he was suddenly informed on November 6th that his scheduled leave after completing AIT was cancelled because of a change in his orders. That same day he requested a leave from his C.O., but it was denied even

though his C.O. was in a position to grant him such a leave as a hold-over.

Singling out an individual for special punishment or restriction through deliberate yet quietly indirect means, like a change of MOS, orders and special duty, etc., is one of the easiest and most common weapons the Brass have used against us, and it was obvious that Mitch Smith had been singled out for special punishment because of his Union organizing among the guys and his anti-war activities.

Mitch had no other alternative. There were GIs and civilians who wanted to hear him in D.C., and the Brass was definitely not going to stop him with their change of order tricks.

So on November 7th Mitch left his unit at Jackson and travelled to the National Headquarters of the American Servicemen's Union in New York where he met other servicemen from various posts throughout the country, and together this GI Union contingent left for Washington, D.C.

On December 1st Mitch returned to military custody at the Provost Marshal's office at Fort Dix, New Jersey. He was immediately sent back to Fort Jackson where he was confined, first to the stockade and then to the barracks under armed guard. On January 30, Mitch was brought to trial. The charge? AWOL! But the real issues were these: Did this GI or any GI have the right to belong to his own organization? Did he have the right to organize against an illegal, immoral war without interference and harassment from his so-called superiors? Because that was the only reason that Mitch had been repressed — the Army naturally interpreted conducting Union business which was vital to enlisted men as AWOL.

On January 30, 1970, our Union brother entered the Special Court building of the 4th CST Bde, Fort Jackson, South Carolina, and like millions of servicemen before him, faced the concentrated muscle of the officer-run military in the form of an eight-member officer court. He was accompanied by six other enlisted men from his Unit, who sat among the viewers. Earlier in the week he had been given a written order from his Battalion Commander that he could bring only six men. The order came after it became apparent that the number of servicemen interested in the trial reached Unit proportions.

The Brass was assembled there to "try Mitch for violation of Article 86 (AWOL)" and to represent "military justice" (a convenient code of laws essentially written to cripple our spirit and smother any enlisted dissent). They



righteously sat elevated from the rest of the court, peering down at Pvt. Smith, knowing that neither he nor any of us enlisted men had the right to dissent or even the freedom to speak among ourselves against their war.

The eight officers in that courtroom were also representing less than 15 per cent of the military population (the officer caste) who govern the rest of us like Southern plantation owners governed their slaves. Their army is the army of officers' latrines and enlisted men's latrines, officers' food and enlisted men's food.

Mitch stood before this kangaroo court on January 30th, not only fighting for himself, but, in a very real sense, for all enlisted men.

He was represented by no one. He chose no military or civilian defense counsel. He was determined that at this trial the officers, the UCMJ and the court-martial itself would be put on trial. He wanted no military counsel to distort the issues, and he felt that only he, being an enlisted man, could properly and rightfully represent enlisted men. The Union has obtained the assistance of many good civilian lawyers and will continue to do so when the charges and the accused need such, but the best of them could not defend the kind of case that Mitch wanted unless they stood in ranks with him.

In short, he was going to turn their pious ceremony around and argue the case of GI vs. Brass, People vs. Pigs.

## Self-Defense As A Court Tactic

**F**irst, Mitch pointed out at his trial that enlisted men are never judged by a jury of their peers. We are, instead, often thrown into stockades without so much as a formal charge, arraignment or bail and then, when they finally get around to it, we are tried by a court of officers who have every reason in the world to be down on us. The Judge Advocate General's Office, which authorized the charges and the type of court-martial (Summary, Special, General), is also the authority that appoints both military and defense counsel.

A Post Commander appoints men under his authority to comprise the court-martial board, which is exactly

what happened at a recent General court-martial at Fort Dix. The Commanding General appointed his Deputy Commander to be head of the General Court-martial Board at which a top ASU organizer was to be tried.

Seaman 1st Class Roger Priest, the editor of OM (an anti-war, anti-military paper for EM) and an ASU member, was tried with two Office of Naval Intelligence agents on his jury, or court-martial panel.

If anyone seriously asks why 98 percent of all courts-martial turn out to be guilty verdicts, the answer, as every GI knows, is the officers who make the charges, rule the stockades, and sit in judgment. .

Mitch raised this question of being tried and judged by your peers in front of the "Law Officer" of his court before the jury (five officers) were sworn in. He said to the Law Officer (Major Eaton), "I request a jury of enlisted men in their first term of service who are not NCOs." He then went further to say, "An officer has the right not to be tried by those inferior in grade, but enlisted men have no alternatives." Mitch, like every militant enlisted man, turns rank around including "superiority" of officers and "inferiority" of enlisted men.

His request for a jury of his peers was, of course, denied, but a true definition of the court was made. Officers rule and try enlisted men and enlisted men have nothing to say about it.

But Mitch went on to say plenty. He moved that the charges be dismissed on the grounds that he was denied due process of law by having been confined to the stockade illegally and not read any charges until after his release the following day. The Law Officer admitted that the confinement was illegal, but denied the motion because Mitch had been released and read charges within 24 hours, which is the time limit they allow themselves.

The fact is that untold thousands of servicemen could testify to the contrary. They could testify that they were ripped from their Units and confined for days in segregation or the hole without so much as a spoken word, and there are those of us who have spent up to six months in pre-trial confinement before we even began serving time for our so-called crimes.

Mitch moved to dismiss the charges on a number of grounds. He said to the court, "My status in the army is one of doing involuntary servitude inasmuch as I was drafted and the Constitution provides Congress the power to levy armies only in time of declared war or the national defense.

My presence here is unconstitutional." What Mitch was trying to show was that there is no declaration of war in Vietnam and it is definitely not an act of national defense. Every draftee in the United States Army has been literally shanghaied from his family and town to fight, enslaved, for somebody else's war -- for Wall Street bankers and bomb-crazy generals, but not in defense of the American people and not even with the sanction of the Constitution.

Mitch moved again that the charges be dismissed because the military court constituted a violation of the principle of separation of powers. He said, "The Army is a part of the Executive Branch of the government, but by this court-martial it is exercising the power of the Judiciary Branch of the government." Like the others, this motion is significant because it helps show how the Army has grown into a fascist state itself backed by big-business Americans and not the Constitution, which with all its faults was still written when we had an Army whose officers were elected by the men. The aggression in Vietnam isn't anything like the war of 1776. In fact, it's just the opposite.

All of these motions were, of course, denied, but Mitch later said, "They should be used again and again wherever applicable because they help show the true nature of the military."

None of us can get real justice at a court-martial or any military installation. We're not trying to reason with the pig, but we should use every avenue open to us to fight back. Because Mitch chose to fight back, even at his court-martial, he received the support of the men in his unit and he could have had dozens present if the restricting order hadn't stopped it. Also, Mitch was able to mobilize civilian support around the issues of his trial. A good part of the Union strategy against the Brass is doing just that. Civilians often have more freedom to move about, donate money and give a show a solidarity and strength. Andy Stapp led the way back in November 1967 when he packed his court-martial with GI and civilian supporters. The Brass had never seen anything like it, and the country, for the first time, heard of the American Servicemen's Union.

The pre-trial morning session was over. The court recessed at 0910 hours and reconvened at 1300 hours. During that lengthy break Mitch was able to meet with the people who had come to support him. The six men from his unit were the first to greet him. Bob Lemay and Maryann Weissman had both travelled from the New York office of the ASU to be there. Bob is the Executive Director of the ASU and one of

the original Fort Sill founders of the Union. Maryann is a field coordinator for the Union. She spent six months in federal prisons for ignoring a bar order issued by the commander of Fort Sill, Oklahoma, which stemmed from Andy Stapp's court-martial on that base. Parris Boyd, an ASU organizer just recently discharged from Fort Jackson and a resident of Columbia (the base town), was there, along with a dozen other civilian supporters from the coffee house collective in town. Members of the press were also present in the courtroom.

When Mitch and his supporters entered the courtroom to begin the afternoon session, they found the Army playing one of its courtroom tricks. They began filling the room with E-7 and E-8 lifers, obviously to counter the supporters. Everyone was able to cram in, but past experience showed us that the Army will attempt to shove everybody out of a political defendant's court-martial by filling it with JAG Officers and its choice EMs.

The jury was sworn in at 1315 hours. One Lieutenant Colonel, two Captains and two First Lieutenants. One of the Lieutenants was an ex-NCO lifer (the worst kind). Mitch chose to voir dire — question the jury members about their qualification for sitting in judgment of him. He could have only one of them dismissed on preemptory challenge, but if he wanted to challenge or dismiss any of the others, he would have to show cause or reason to the Law Officer.

Every defendant in a Special or General Court-martial has this right to voir dire, or question his jury, and it has been used at the courts-martial of many Union members in our effort to expose the true character of the officers who always sit in judgment.

Mitch very likely enraged the court by first asking the officers about their attitude towards his defending himself and about their having to appear in court. They obviously didn't want to be thrown off of the court, especially by an E-1, so they answered all of his questions accordingly (through their teeth).

But soon Mitch got down to the more pointed and political questions. He asked the officers if they would be prejudiced in their considerations against an EM who was an ASU member and who adhered to the ten ASU demands. This gave Mitch the opportunity to read aloud all ten of the ASU demands to everyone in the courtroom. The officer panel was saved from answering the questions by the Law Officer (Major Eaton) who said that the line

of questioning was repetitious — revealing would be a better word.

After specific questions all of the officers stated that they had no special prejudice against AWOLers. Coming from unit commanders, that was recognized as a notorious lie by every EM in the courtroom. Lt. Lockhard (the ex-NCO) even denied having any knowledge of competition among company commanders in regard to AWOLs. One Captain admitted that he would have more leniency in sentencing a man if that man would state that he was anxious to go fight in Vietnam.

Mitch repeated the same questions to every member of the panel except the Lieutenant Colonel whom he completely ignored. He asked about their political beliefs and about their attitude toward other people's political beliefs. The prosecution, of course, objected, and the Law Officer played his role and ruled against the questions. But once again Mitch had made his point. He was showing how the interests and beliefs of officers and enlisted men are diametrically opposed to each other. If there was a civilian in court who didn't understand some of the military dialogue, there was a GI who could explain to him that Unit Commanders do compete with each other on AWOL rates and they are all hysterically afraid of AWOLs because they in turn are pressured by higher-ups. A foreman must answer for his men to the boss, a teacher to the principal. There was somebody watching the slaves while the plantation king sipped on his mint julip. That's why Sergeants and Unit Commanders walk around bases like male pigeons in season. They do their job well for the bosses, but wait and see how fast they fly when the officers' mess is surrounded by troopers and some E-1 shouts, "liberated territory!"

For his peremptory challenge, Mitch threw the ignored Lt. Col. Dews off of the panel, but in his eyes and in the eyes of the Union, every officer in the building including the Law Officer, should have been thrown out. We've seen all the military's bullshit documentaries about the code of military justice. It was supposedly enacted by Congress to insure the rights of the men, but this code of laws which has an Army regulation to parallel every civilian law plus a catch-all article (Art. 125), which makes any act disfavorable to our commanders a crime, was enacted without the men having any say in the matter. There were no public hearings where the rank and file could testify as to their interests. Those laws are illegal and outrageously unjust.

The court-martial which is comprised solely of officers — instituted and controlled by officers — is nothing more than a stacked deck against the enlisted man.

With all of the pre-trial moves and challenges completed, Mitch was able to present his defense against the specific charge (violation of Art. 86 — AWOL) and the trial was underway.

It should first be pointed out that Mitch had done some legal research on his own as to the implications of the charge and sought how most effectively he might raise the more important political issues at his trial.

He decided that in his legal defense against the Army's charge of AWOL he would argue "entrapment."

Entrapment is the legal term for a situation in which a law enforcement officer (in Mitch's case, his C.O.) intices an individual into committing a crime. Mitch wrote later, "The strategy here was to demonstrate that the denial of my request for a leave which I had been previously scheduled for was politically motivated and part of a pattern of politically motivated harassment of me in that Company and that this denial was for the purpose of having me go AWOL in order to fulfill a legitimate obligation."

## Not AWOL On Union Business

**H**is opening argument was simply this, "We intend to prove that my AWOL was a result of entrapment by my C.O. The Company Commander knew that when he cancelled my leave and denied my request for a hold-over leave it would force me into going AWOL. He knew that I was scheduled to speak in Washington as a representative of the American Servicemen's Union. My point is that I was purposely forced into going AWOL."

Mitch asked that his C.O. (Lt. Few) take the stand for examination as a hostile witness. Under Mitch's direct examination his C.O. made the following statements, "Yes, I was aware that you desired to attend a rally at Washington,



D.C. and that may have entered into my decision to deny you a leave when you asked for it." The fool continued to expose himself and his intentions by saying that during a command inspection he found certain literature of the "anti-war variety" in Mitch's wall locker. He suspected that Mitch was distributing it. He confiscated and inventoried all of the literature and transferred it to his S-2, intelligence office.

He was asked more questions about his previous knowledge of Mitch and he stated, "Yes, I was aware that you had refused to take the oath of allegiance when you entered the Army and that may have entered into my decision to deny you a leave." He further added that Mitch did not ask for a pass and that he did not offer him one either. "Passes are a privilege and sometimes denied as a punishment," he said.

A better case of bad intentions and probable entrapment is hard to find, but the "honorable" Lt. Fewes and the prosecution argued that the day after Mitch's requested leave was denied by Lt. Fewes, he (Fewes) was informed by his Battalion Commander that Mitch was on a Third Army security hold which would make his leave impossible, even if Fewes wanted to give him one the day before. Somebody up there definitely doesn't like Mitch or the Union. But, regardless, the Third Army security hold is not relevant to the Company Commander's initial denial of Mitch's leave and it was argued so.

Mitch took the stand and testified as follows, "I had planned on two-weeks leave after my AIT. There was to be a demonstration in Washington, D.C. against the war, and I was going there to represent the American Servicemen's Union. I intended to speak at a GI conference and represent over ten thousand ASU members. When I was told that the leave had been cancelled, I didn't know what to do. I asked for a leave and when it was denied I had to leave on my own. When the demonstration was finished, I returned to military authority in order to help stop the suppression of the American soldier."

The prosecution's closing argument was, in substance, as follows: It was Lt. Fewes' policy not to give leaves to hold-overs. The accused testified that he did not have permission to go AWOL. If the accused is not found guilty then it will mean that any man who goes AWOL after having been denied a leave is the victim of entrapment and has not committed an offense.

The argument is not valid because Mitch was indeed

entrapped and forced into going AWOL by a prejudiced and hostile C.O. But even disregarding entrapment, Mitch and all servicemen who go AWOL for any reason and under any circumstances are definitely not guilty of an offense, unless we consider the war, the draft and the UCMJ just and legal, which they are not.

As his closing argument, Mitch made these following statements: "I was obviously the victim of entrapment. The court should take into consideration the fact that Lt. Fewes admitted to having denied passes as punishment, and he also admitted that my political beliefs entered into his decision to deny me a leave. Lt. Fewes planted in my mind the idea to go AWOL not by words, but by actions."



A couple of good Smiths: Pvt. Mitch Smith at right in Columbia, S.C., after Army dropped charges. At left, Union brother Bill Smith, one of the organizers who traveled to Ft. Jackson to aid Mitch in the trial that never happened.

# Konviction by Kangaroo Kourt

**W**ith both arguments completed, it came time for the Law Officer to instruct the panel of officer jurors as to their duties and obligations to the UCMJ while finding a verdict. He instructed his fellow officers in accordance with Para. 73 of the Manual for Courts-martial, including the elements of offense, the presumption of innocence, reasonable doubt and burden of proof as regarded by Art. 51 (2). He also instructed the court on the defense of entrapment and the mechanics of voting on the findings. In other words he instructed the officers to find Mitch guilty—which they did in closed session and upon secret, written ballot, etc., etc.

At this point the last, most vile, decadent and inhumane phase of the court-martial begins. Convinced that you have been totally defeated and are now baying at their mercy, the court of officers listens as the prosecution picks up your own special file and begins to read aloud in cold mechanical wording every bit of essential information they have tugged on and stolen from you. Your name and age, pay, service and sheet of charges, etc.

You are then, after "proper ceremony" led to grovel at their feet and beg for mercy. It's called mitigation and extenuation. Anything you say now will be considered by the officers before they sentence you. They love it. They live their whole military lives out thriving on moments like this when they can feel on top of it all. When they can imagine that their miserable existences are justified.

I've seen men whose hearts were breaking because they had children and hopeless family obligations. I've seen confused and angry men stand before these pigs knowing that their future and closeness to the world depended upon their (the Pigs') decisions. It isn't easy for such men to defy the officers' authority and the officers up until now never expected any significant resistance to their rule.

But the time has come! Thousands of us are being ripped from our families and occupations to fight and slave for what? To be responsible for My Lai? For the Kent State massacre? We don't want to be shit upon any more and possibly killed in a war we know is unjust or sent back into a community that may very likely be attacked by National Guardsmen or green troops who never knew what it was like to be in Nam and kill blindly at some pig's whim. The greater numbers of us have had it, we're tired and pissed off and we're fighting back.

Mitch's statement during mitigation went like this: "I have requested a jury of my peers and the request was not considered. Enlisted men have never had rights equal to those of officers. I don't feel that I have committed an offense and I don't regret my actions. I am against confining anyone in the stockades, as I consider them to be repressive and reactionary tools. I feel that soldiers should have the right to demonstrate and to strike, if they wish, against the war in Vietnam and against the racism of the Army."

## From Conviction To Discharge

**M**itch's first court-martial does not end with the guilty verdict — the four months hard labor and the forfeiture of pay. The court-martial served to put the cards on the table. Mitch was a new breed of soldier, the breed that stands up against the brass, the war and racism. A breed of soldiers not created by boot camps and AIT. A breed of soldiers created by their class or identification with the down-trodden, the whipped who are whipping back, the chained who are breaking their chains.

Mitch was put in the stockade to serve his four months and then released after a few weeks. The Brass had hoped that six weeks in the slammer would have "taught Mitch a

lesson" — made him their kind of good soldier. After being released to a unit, with the constant threat "to stay in line, Mitch, or you will be slammed back into the stockade," Mitch began to attract around him men who constituted a union local. The men began to reach out, distributing the BOND, the ASU newspaper, holding bull sessions and getting their shit together. Mitch and one other enlisted man were slapped into the slammer under charges of distributing and aiding and abetting in the distribution of the BOND.

Mitch was sent directly to the box (segregation) and put on rabbit chow (bread, water, potatoes and lettuce) for 14 days. The charge was so clearly political that Mitch again began to prepare his defense with more vigor. Material was gathered by a local Black civil rights attorney who felt Mitch's self-defense was a bold challenge to the Brass and who was willing to assist in making the bold stand legally sound. Legal briefs and arguments were forwarded from the ASU center to Mitch's cell.

Public support was built. After a carload of GIs on leave and ASU organizers left New York City for South Carolina to attend the court-martial, we were notified that the charges were dropped.

Mitch was immediately sent to Fort Benning, Georgia, a base known best for its training of Green Berets, Stockade Guards, and Military Police.

The harassment of the Brass went with Mitch, every hawk officer that read Mitch's record had it in for him. Mitch's C.O. was such a hawk. Late one day, after several hours of pure military bullshit, Mitch didn't salute and sir his C.O.

Charges were immediately brought, and Mitch was again in the stockade. The court-martial followed with the steady thump of military music, the pattern broken only by Mitch's self-defense.

Now the army is proceeding to give Mitch a 212 undesirable discharge. Undesirable in the man's Army but a soldier with the liberation forces.

**Labor donated**

**July, 1970**

**published by:**

**American Servicemen's Union**

~~156 Fifth Ave., Rm. 538  
New York, N. Y. 10010~~

AMERICAN SERVICEMEN'S UNION  
58 West 25th Street  
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in our union to break down and thus play into the hands of the Brass.

WE DEMAND THAT NO TROOPS BE USED AGAINST WORKERS ON STRIKE. The use of troops against workers' movements is part of the history of this system. It is the same kind of imperialism that sends the U.S. military to suppress the peoples' movements abroad that sends troops against the workers' struggles in America. We believe that the military must serve the people, not rich industrialists.

WE DEMAND THAT NO TROOPS BE USED AGAINST ANTI-WAR DEMONSTRATORS. We believe that anti-war demonstrators are brothers in our struggle against the military machine. They should be defended, not attacked — supported not suppressed.

WE DEMAND RANK AND FILE CONTROL OVER COURT-MARTIAL BOARDS. We demand an end to the system whereby the all-powerful officers sit in judgment over GIs. The Constitution guarantees the right of any person to be judged by a jury of his peers. In the Armed Services there has never been a GI of the rank of PFC or lower who has served on a court-martial board, and yet 90 percent of those court-martialed are PFC or lower. The vast majority of cases would not even be considered crimes in civilian life (and yet 95 percent are now being found guilty). If a GI must stand trial, let other GIs try him!

WE DEMAND THE RIGHT TO FREE POLITICAL ASSOCIATION. This freedom is guaranteed by the Constitution. GIs have been harassed and court-martialed on the basis of their associations alone. We believe that our association and organization is a matter of our survival.

WE DEMAND FEDERAL MINIMUM WAGES. A wage system based on the needs of the enlisted men — pay by work, not rank. We demand an end to the impoverishment of enlisted men, which forces many of our brothers' families to welfare while the generals' families trip off to the Riviera.

WE DEMAND THE RIGHT TO COLLECTIVE BARGAINING. Union representatives of the enlisted men must have the right to meet with today's dictatorial officers and tell them what the men want. The present Hitler-type regulations forbid this and call it mutiny. Such regulations must go.

**AVAILABLE FROM ASU**

156 Fifth Ave., Rm. 538  
New York, N. Y. 10010

**The GI's HANDBOOK on**



WHY RANK and FILE GIs  
NEED AN  
ORGANIZATION  
OF THEIR OWN

by **F. O. RICHARDSON**

With an Introduction  
by Pvt. Andrew Stapp

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**COMMITTEE for GI RIGHTS**

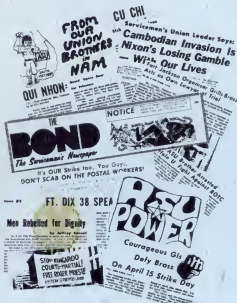
# Kangaroo Court-Martial

**GEORGE DANIELS**  
and  
**WILLIAM HARVEY**

**Two Black Marines  
Who Got 6 and 10 Years  
for Opposing  
the Vietnam War**

TEN CENTS

Committee for GI Rights



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# Black Marines Against The Brass

Interview with William Harvey  
and George Daniels who have  
served two years on a 6 and  
10 year sentence respectively  
for their opposition to the war  
in Vietnam.

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**American Servicemen's Union**